



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

ZA:ML
F. #2012R00596

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 7, 2015

By Email and ECF

Douglas Morris, Esq.
Mildred Whalen, Esq.
Deirdre Von Dornum, Esq.
Federal Defenders of New York, Inc.
One Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201

Re: United States v. Alhassane Ould Mohamed
Criminal Docket Number 13-527 (WFK)

Dear Counsel:

Enclosed please find additional discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3500, as well as a response to your requests, dated June 19, 2015, October 27, 2015, October 30, 2015 and November 20, 2015.

Please find enclosed the following documents:

- A redacted copy a FBI 302 report regarding an interview of Lamine Maiga and the grand jury testimony of Lamine Maiga, Bates numbered 1066 to 1075.
- A complete copy of the French document and translation of the January 2001 interview of the defendant, Bates numbered 1076 to 1082. The version of this document provided on April 20, 2014, Bates numbered 266 to 267 and 275 to 277, was inadvertently missing the second page.

The government responds to the defendant's requests as follows:

- By motion dated June 19, 2015, you requested any underlying materials related to DNA, fingerprint or ballistic testing. On June 26, 2015, the government provided underlying data related to one of the DNA reports conducted in connection with this case. The government has requested the

underlying data and notes for the remainder of the DNA reports, as well as for any fingerprint and ballistics reports that have been provided to the defendant, and will produce these materials as soon as it obtains them.

- By motion dated June 19, 2015, you requested early disclosure of the government's witness list. At the oral argument on October 29, 2015, the government agreed to provide names and contact information for U.S.-based witnesses. The government is still in the process of obtaining the current contact information, and it will provide that information to the defendant as soon as it can.
- By letter dated October 30, 2015, you requested "any agreements that the government has entered into, or proposed, to encourage witnesses who are not subject to the jurisdiction of the United States to testify in connections with this case" and "any inducements of any kind that the government has proposed, offered, made, or otherwise carried out to any witness who are not subject to the jurisdiction of the United States to testify in connection with this case." The requested material falls outside of the scope of Rule 16 and is not otherwise discoverable at this time. The government is aware of and will remain in compliance with its continuing obligations under Brady v. Maryland, 373 U.S. 83 (1963), and Giglio v. United States, 405 U.S. 150 (1972).
- By motion dated November 20, 2015, you renewed your request for any forensic analysis of any cellphones seized from the defendant at the time of his 2013 arrest. The government is obtaining that information and reviewing it for any discoverable material and will disclose any such material as soon as is practicable.
- Pursuant to the Court's Order dated December 1, 2015 and in response to your request dated June 19, 2015, the government writes to advise you that it will not be returning any of the property seized from the defendant at the time of his 2013 arrest that is within its possession. The government is in possession of (1) the defendant's clothes that he was wearing at the time he was taken into U.S. custody, (2) handwritten notes and (3) currency. As stated at the October 29, 2015 oral argument, the handwritten notes and currency are potential evidence. In addition, although the government initially stated that it would turn over the defendant's clothes, that clothes is potentially relevant in the

upcoming suppression hearing as it relates to the defendant's conditions of confinement while in foreign custody.

Very truly yours,

ROBERT L. CAPERS
United States Attorney

By: /s/
Zainab Ahmad
Margaret Lee
Melody Wells
Assistant U.S. Attorneys
(718) 254-7000

cc: Clerk of the Court (WFK) (by ECF)